Board Policy 4420: Visits to District Property by Sex Offenders

Status: ADOPTED

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The Genesee Joint School District recognizes the danger sex offenders pose to student safety. Therefore, the District implements this policy in an effort to protect students while they are under the control and supervision of the District.

For the purposes of this policy, "school property" means school buildings, District buildings not being used as a school, vehicles used for school purposes, any location being used during a school athletic event or other school-sponsored event, properties posted with a notice that they are used by a school, and school grounds.

Sample Posted Notice

The District shall post a notice, as required by Idaho Code, and shall be at least 100 square inches, be placed at commonly used entrances to the property, and contain the following statement:

> "This property is used by or as a school. Pursuant to IC § 18-8329, registered sex offenders only have limited rights to enter upon or be near school property. Please contact the school district at 208-285-1161 or your probation/parole officer for more information."

Prohibitions

State law prohibits a person who is currently registered or is required to register under the sex offender registration act to:

1. Be on or remain on the premises of a school building or school grounds, or upon other properties posted with a notice that they are used by a school, when the person believes children under the age of 18 years are present and are involved in a school activity or when children are present within 30 minutes before or after a school activity;

2. Loiter on a public way within 500 feet of the property line of school grounds or a school building when children under the age of 18 years are present and are involved in a school activity or when children are present within 30 minutes before or after a school activity;

3. Be in any vehicle owned, leased, or contracted by a school to transport students to or from school or school-related activities when children under the age of 18 years are present in the vehicle; or

4. Reside within 500 feet of a school, measured from the nearest point of the exterior wall of the offender's' dwelling unit to the school's property line, unless the person's residence was established prior to July 1, 2006.

Items 1 and 2 from the list above shall not apply when the person:

1. Is a student in attendance at the school; or
2. Resides at a State licensed or certified facility for incarceration or at a hospital; or
3. Is exercising their right to vote in public elections;
4. Is taking delivery of their mail through an official post office located on school grounds;
5. Has contacted the District office annually to obtain written permission from the District to be on the school grounds or upon other property posted with a notice that the property is used by a school; or
6. Stays at a homeless shelter or resides at a recovery facility if such shelter or facility has been approved for sex offenders by the county sheriff

[Note: These provisions are required for an individual who is dropping off or picking up a student and is the student's parent/guardian; is attending an academic conference or other scheduled extracurricular event; or is temporarily on school grounds, during school hours, for the purpose of delivering mail, food, or other items.]

An individual seeking written permission as outlined above must contact the District at least ten work days prior to the first visit. In determining whether to grant written permission as provided above, the District may, in its discretion, consider the nature of the offense committed, the time since an offense has been committed, the safety of the students, the likely disruption caused by the individual's access to the property, or any other factor. The District will provide a response to the requesting individual within seven days of receipt of the request.

Sex Offender Registry Notification

The Superintendent or their designee shall request notification of registered sex offenders in the same or contiguous zip codes as any school within the District. The request can be made to either the Idaho State Police, the local Sheriff's Department, or the Idaho State Superintendent of Public Instruction. Such request and notification shall be made in accordance with Idaho Code. The information in the sex offender registries is for purposes of protecting the public. It is not to be used for the purpose of harassing or intimidating anyone.

Staff Notification

At a quarterly meeting, the building principal shall disseminate sex offender registry information received. The principal shall inform staff of the roles and responsibilities of staff in dealing with instances of convicted sex offenders on school property, including, but not limited to, sex offenders on school property without approval, and/or whether a staff member is the school official assigned to escort the sex offender.

When sex offender registry information is disseminated by the principal, it shall include a notice that such information should not be shared with others and may only be used for the purposes discussed in this policy and in accordance with Idaho Code. Employees who share registry information with others may be disciplined.

Enforcement

Any staff member may request identification from any person on school property. Any staff member shall seek the immediate removal of any person who refuses to provide requested identification. As circumstances warrant, the District's administrators shall take appropriate action to enforce this policy. If a sex offender violates this policy, school officials shall immediately contact law enforcement.

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Legal References	Description
IC § 18-8323	Public Access to Sexual Offender Registry Information
IC § 18-8324	Dissemination of Registry Information
IC § 18-8326	Penalties for Vigilantism or Other Misuse of Information
IC § 18-8329	Adult Criminal Sex Offenders – Prohibited Access to School Children
IC § 18-916	Abuse of School Teachers
IC § 33-512(11)	Governance of Schools – District Permitted to Prohibit Entry to School Grounds

Other References	Description
ISBA Policy Services	https://www.idsba.org/member-services/policy/

Cross References

Code	Description
4140	Visitors to the Schools
5725	Private Service Providers/Consultants